UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 APR 28 PM 12: 29

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNI..

BY_____ KV_____DEPUTY

UNITED STATES OF AMERICA,) Plaintiff,) v.) **Oscar RODRIGUEZ-Gonzalez,**) Defendant)	Magistrate Docket No. **08 MJ1324** COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 25, 2008** within the Southern District of California, defendant, **Oscar RODRIGUEZ-Gonzalez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.
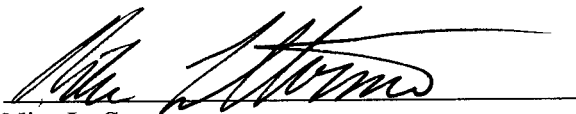
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28**th DAY OF **APRIL 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Oscar RODRIGUEZ-Gonzalez
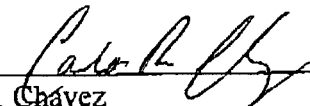
PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On April 25, 2008, Border Patrol Agent M. Plummer responded to a report of a group of suspected undocumented aliens in the area of Campo, California. This area is approximately ten miles east of the Tecate, California Port of Entry and four miles north of the United States/Mexico International Border. This area is commonly used by illegal aliens to further their illegal entry into the United States. Upon his arrival, Agent Plummer observed eight individuals walking north. Agent Plummer immediately identified himself as a U.S. Border Patrol Agent and proceeded to conduct an immigration inspection on each individual. All individuals, including one later identified as the defendant **Oscar RODRIGUEZ-Gonzalez**, admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 4:30 p.m., Agent Plummer placed the defendant and the rest of the group under arrest and transported them to the Campo Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 21, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on April 27, 2008 at 9:00 a.m.

Carlos R. Chávez
Carlos R. Chávez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 25, 2008**, in violation of Title 8, United States Code, Section 1326.

Nita L. Stormes
Nita L. Stormes
United States Magistrate Judge

4-27-08 @ 11:35 AM
Date/Time